FILED

APR 2 2 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **FLAVIO SIMON-HERNANDEZ (2),** Defendant.	Criminal No. **08CR995-BTM** **CONSENT TO RULE 11 PLEA TO A VIOLATION OF 8 U.S.C. SECTION 1326 (a) and (b) IN A FELONY CASE BEFORE UNITED STATES MAGISTRATE JUDGE, WAIVER OF PRESENTENCE REPORT AND WAIVER OF OBJECTIONS FOR IMMEDIATE SENTENCING**

I have been advised by my attorney and by the United States Magistrate Judge of my right to enter my plea in this case before a United States District Judge. I hereby declare my intention to enter a plea of guilty in the above case, and I request and consent to have my plea taken by a United States Magistrate Judge pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

I understand that if my plea of guilty is taken by the United States Magistrate Judge, and the Magistrate Judge recommends that the plea be accepted, the assigned United States District Judge will then decide whether to accept or reject any plea agreement I may have with the United States and will adjudicate guilt and impose sentence.

I further understand that due to my request for immediate sentencing in this case, I am waiving the preparation of a presentence report and I am also waiving any objections I may have to the Magistrate Judge's findings and recommendation concerning the entry of my guilty plea.

Dated: APRIL 22, 2008

FLAVIO SIMON-HERNANDEZ (2)
Defendant

Dated: APRIL 22, 2008

JAMES WINSTON GLEAVE, CJA.
Attorney for Defendant

The United States Attorney consents to have the plea in this case taken by a United States Magistrate Judge pursuant to Criminal Local Rule 11.2 and further waives a presentence report in this case as well as any objections to the Magistrate Judge's findings and recommendation concerning the entry of the guilty plea.

Dated: APRIL 22, 2008

W. MARK CONOVER
Assistant United States Attorney